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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,285	02/09/2004	Craig M. Janik	088245-8261	1139

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EXAMINER

ALAM, UZMA

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/775,285	Applicant(s) JANIK, CRAIG M.	
	Examiner UZMA ALAM	Art Unit 2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21,23,24,27-29,31,34-36,39,44,46,48-50,56-58 and 64-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21,23,24,27-29,31,34-36,39,44,46,48-50,56-58 and 64-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/20/09; 10/16/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the arguments filed July 9, 2009. Claims 66 is new. Claims 21,23,24,27-29,31,34-36,39,44,46,48-50,56-58,64 and 65-66 are pending. Claims 21,23,24,27-29,31,34-36,39,44,46,48-50,56-58,64 and 65-66 represent a apparatus and method for delivering Internet the user specified content to a variety of thin client devices.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 21,23,24,27-29,31,34-36,39,44,46,48-50,56-58,64 and 65-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis US Patent No. 6,055,566 in view of Raschke et al. US Patent No. 6,653,933. Kikinis teaches the invention as claimed including a method for customizing a playback device (see abstract). Raschke teaches a local peer to peer network with a connection to the Internet (see abstract).

As per claims 21, 64 and 65-66 Kikinis teaches an apparatus and method, comprising:
a server comprising a storage device, wherein the server is configured to retrieve user specified the user specified content from a facility via the first interface, to store the ser specified

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the user specified content, and to deliver stored, retrieved the user specified content to the client device via the second interface over the LAN (column 2, lines 12-20; column 7 lines 18-28);

wherein the server further comprises a graphical user interface (GUI) configured to associate the user specified content with the client device and schedule a time when the user specified content will be automatically delivered to the associated client device via the LAN (column 2, lines 41-54).

Kikinis does not teach a first interface configured to communicate with to a wide area network (WAN);

a second interface configured to communicate with a client device via a local area network (LAN); and

a server comprising a storage device wherein the server is coupled to the first interface and the second interface.

Raschke teaches a first interface configured to communicate with to a wide area network (WAN) (gateway 116 connected to remote server 120);

a second interface configured to communicate with a client device via a local area network (LAN) (gateway 116 connected to internal communication facility 108); and

a server comprising a storage device wherein the server is coupled to the first interface and the second interface (gateway 116; column 3, lines 1-36, column 4, lines 1-35).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the server of Kikinis with the gateway of Raschke. A person of ordinary skill in the art would have been motivated to do this to allow full functionality of all nodes on an internal network without high costs and processing power needed on each device.

As per claim 23, Kikinis and Raschke teach the apparatus of claim 21, wherein the GUI is further configured to scheduling a time when the user specified content is retrieved from the facility over the WAN (Kikinis: column 4, lines 1-5).

As per claim 24, Kikinis and Raschke teach the apparatus of claim 21, further comprising a plurality of client devices wherein the GUI is further configured to allow associating the user specified content with the plurality of client devices and scheduling a time when the user specified content is automatically delivered to the associated plurality of client devices via the LAN (Kikinis: column 4, lines 1-60).

As per claim 27, Kikinis and Raschke teach the apparatus of claim 21, wherein the LAN comprises a wireless network (Kikinis: column 2, lines 2-12; column 3 lines 6-15; column 5, lines 22-65).

As per claim 28, Kikinis and Raschke teach the apparatus of claim 23, wherein the GUI is further configured to allow for specifying personal preferences for the user specified content to be retrieved the facility (Kikinis: column 1, line 12-40; column 7, lines 18-26; column 3, lines 57-column 4 line 22).

As per claim 29, Kikinis teaches a method, comprising:

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downloading user specified content from a facility over a wide area network (WAN) (column 2, lines 12-40; column 7, lines 18-28);

delivering the user specified content from the server to client device via a local area network (LAN) wherein the client device is specified to the server by a user and the user specified content is delivered from the server to the client device according to a first schedule specified to the server by the user (column 2, lines 12-22; column 5, lines 22-65; column 7, lines 18-26); and

automating the downloading and delivering the user specified content (column 4, lines 24-65).

Kikinis does not teach

downloading user specified content to a server from a facility over a wide area network (WAN);

delivering the user specified content from the server to client device via a local area network (LAN);

Raschke teaches downloading user specified content to a server from a facility over a wide area network (WAN) (gateway 116 connected to internal communication facility 108) ;

delivering the user specified content from the server to client device via a local area network (LAN) ((gateway 116 connected to remote server 120).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the server of Kikinis with the gateway of Raschke. A person of ordinary skill in the art would have been motivated to do this to allow full functionality of all nodes on an internal network without high costs and processing power needed on each device.

As per claim 31, Kikinis and Raschke teach the method of claim 29 further comprising downloading the user specified content according to a second schedule specified to the server by the user, wherein the first schedule and second schedule are different (Kikinis: column 4, lines 24-65).

As per claim 34, Kikinis and Raschke teach the method of claim 29, further comprising downloading the user specified content based on a personal preference specified by the user (Kikinis: column 1, lines 12-40; column 7, line 18-26; column 3, lines 57-column 4, lines 22).

Claims 35-36 and 39 are rejected under the same rationale as claims 29-34 because they claim a method with same limitations as the apparatus claims 29-34.

As per claim 44, Kikinis teaches method for presenting the user specified content, the method comprising:

selecting the user specified content to be downloaded from a Web site to a local system presented at the local system (column 3, lines 25-67; column 4, lines 1-20)

downloading the user specified content from the Web site to the local system based on an availability of selected the user specified content at the Web site (column 4, lines 24-65); and

automatically delivering the downloaded selected the user specified content from the local system to one or more client devices at a time specified by the user using a scheduling interface of the local system (column 4, lines 24-65).

Kikinis does not teach using a the user specified content selection interface.

Raschke teaches using a the user specified content selection interface (gateway 116 connected internal communication facility 108 and remote server 120; column 3, lines 1-36 and column 4, lines 1-35).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the server of Kikinis with the gateway of Raschke. A person of ordinary skill in the art would have been motivated to do this to allow full functionality of all nodes on an internal network without high costs and processing power needed on each device.

As per claim 46, Kikinis teaches an apparatus for viewing the user specified content, the apparatus comprising:

a first data processing system configured to communicate with a facility via a wide area network (WAN), configured to allow selecting a content stored at the facility and a scheduling mechanism configured to allow scheduling a transaction for acquiring the selected content from the facility (column 2, lines 12-40; column 7, lines 18-26); and

a second data processing system configured to communicate with the first data processing system via a local area network (LAN), configured to schedule an automatic time to deliver the content from the first data processing system to a client device via the LAN (column 2, lines 12-20; column 5, lines 22-65; column 7, lines 1-18).

Kikinis does not teach

wherein the first data processing system comprises a first interface;

wherein the second data processing system comprises a second interface.

Raschke teaches wherein the first data processing system comprises a first interface;

wherein the second data processing system comprises a second interface (gateway 116 connected internal communication facility 108 and remote server 120; column 3, lines 1-36 and column 4, lines 1-35).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the server of Kikinis with the gateway of Raschke. A person of ordinary skill in the art would have been motivated to do this to allow full functionality of all nodes on an internal network without high costs and processing power needed on each device.

As per claims 48 and 56, Kikinis teaches an apparatus, method and medium comprising: a computing device configured to communicate with a to a wide area network (WAN) and configured to communicate with a client device via a local area network (column 2, lines 12-40; column 7, lines 18-26);

a storage device operatively coupled to the computing device wherein the storage device is configured to store the content (column 2, lines 12-40; column 7, lines 18-26) and

Kikinis does not teach

a first user interface executable at the computing device, wherein the first user interface is configured to allow a user to select a content to be downloaded from a facility via the WAN;

a second user interface executable at the client device and configured to select a plurality of client devices to deliver the content and scheduling an automatic delivery of the content from the computing device to the plurality of client device via the LAN.

Raschke teaches a first user interface executable at the computing device, wherein the first user interface is configured to allow a user to select a content to be downloaded from a facility via the WAN; a second user interface executable at the client device and configured to select a plurality of client devices to deliver the content and scheduling an automatic delivery of the content from the computing device to the plurality of client device via the LAN (gateway 116 connected internal communication facility 108 and remote server 120; column 3, lines 1-36 and column 4, lines 1-35).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the server of Kikinis with the gateway of Raschke. A person of ordinary skill in the art would have been motivated to do this to allow full functionality of all nodes on an internal network without high costs and processing power needed on each device.

As per claims 49 and 57 Kikinis and Raschke teach the apparatus method and medium of claims 48 and 56 wherein the content is downloaded from the facility periodically (Kikinis: column 4, lines 24-65).

As per claims 50 and 58 Kikinis and Raschke teach the apparatus method and medium of claims 49 and 57 wherein periodically downloading the content is performed based on the content availability information (Kikinis: column 4, lines 1-50).

2. Applicant's arguments with respect to claims 21,23,24,27-29,31,34-36,39,44,46,48-50,56-58,64 and 65 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Humpleman et al. US Patent No. 7, 043,532.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to UZMA ALAM whose telephone number is (571)272-3995. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramy M Osman/
Primary Examiner, Art Unit 2457

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Uzma Alam/U. A./

Examiner, Art Unit 2457

November 14, 2009

/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457